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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,836	10/03/2003	Manoussos Perros	PC10925B	1139

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EXAMINER

OWENS, AMELIA A

ART UNIT PAPER NUMBER

1625

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

1. Claims 41,42,46 are pending.
2. Claim 45 has been canceled.

Claim Rejections - 35 USC § 112

3. The rejection of claims 38-44 under 35 USC 112, 2nd paragraph has been dropped as the claims have been amended and/or canceled.
4. The rejection of claims 38-40,43,44 under 35 USC 112, 1st paragraph is dropped as the claims have been canceled.
5. Claims 41,42,46 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

There are many factors to be considered when determining whether there is sufficient evidence to support a determination that a disclosure does not satisfy the enablement requirement and whether any necessary experimentation is "undue". These factors include 1) the breadth of the claims, 2) the nature of the invention, 3) the state of the prior art, 4) the level of one of ordinary skill, 5) the level of predictability in the art, 6) the amount of direction provided by the inventor, 7) the existence of working examples, and 8) the quantity of experimentation needed to make or use the invention based on the content of the disclosure. In re Wands, 858 F.2d 731, 737, 8 USPQ2d 1400, 1404 (Fed. Cir. 1988). All of the factors have been considered but only the most relevant will be discussed below.

The nature of the invention: The nature of the invention is the method of treating HIV infection in a mammal. See claims.

The state of the prior art and predictability: The state of the prior art is that it involves screening in vitro and in vivo to determine which compounds exhibit the desired pharmacological activities (i.e. what compounds can treat which specific disease).

There is no nexus between CCR5 and curing/preventing HIV. Chemokine CCR5 receptors are known to be associated with inflammatory diseases. At the time of the invention there was no umbrella drug known to cure/prevent HIV.

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Guidance and working examples: Compounds according to the invention have been made. The specification @ page 29 lines 4-5 define treatment to include curative, palliative and prophylactic. Thus the claims are drawn to preventing or curing HIV infection. The claims are not enabled for this breadth of scope. Applicants have not shown the claimed compounds effective preventing or curing HCV infection. Applicants' assertions either that the compounds would be effective *or* that the compounds are effective are not enough. The abstract cited in the 5/3/05 response to the 112, 1st rejection using UK-427857 does not cure or prevent HIV.


The data in the specification is noted. CCR5 binding is known to be associated with inflammatory diseases. There is no nexus between CCR5 and treating HIV.

Since insufficient guidance and teaching have been provided by the specification, the skilled artisan, even with high level of skill, is unable to use the instant compound as claimed without undue experimentation

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amelia A. Owens whose telephone number is 571-272-0690. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia J. Tsang can be reached on 571-272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Amelia A. Owens
Primary Examiner
Art Unit 1625